S. B. Criminal Misc. Petition No.1624/2007
(Amrik Singh Vs. State & Anr.)

Date of Order : 25.10.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. B.S. Rathore for petitioner.
Mr. Ashok Upadhyay, P.P.

By the instant criminal misc. petition under Section 482 Cr.P.C. the petitioner has challenged the order taking cognizance dated 19.9.2007 passed by the learned Additional Sessions Judge, Raisinghnagar (for short 'the revisional court') whereby the revision petition filed by the petitioner against the order dated 05.02.2003 passed by the Judicial Magistrate, Vijaynagar (for short 'the trial court') was dismissed.

I have heard learned counsel for the petitioner and carefully gone through the orders passed by the courts below.

It is contended by learned counsel for the petitioner that the trial court took cognizance of the offence under Section 306 IPC on F.R., without considering the FR papers.

On careful perusal of the orders passed by both the courts below, it appears that the learned trial court has considered the FR papers and reason assigned thereunder, thereafter on the basis of the material available on the record,

prima facie, came to conclusion that there is ground to proceed against the petitioner and accordingly took cognizance of the offence under Section 306 IPC, therefore, the contention raised by the learned counsel for the petitioner cannot be accepted.

In view of above, I do not find any good reason to interfere with the orders impugned.

The criminal misc. petition is, therefore, dismissed.

(H.R. PANWAR), J.

vij

S. B. Criminal Misc. Stay Petition No.1144/2007

Date of Order : 25.10.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. B.S. Rathore for petitioner.
Mr. Ashok Upadhyay, P.P.

Since the main petition itself has been dismissed, the stay petition also stands dismissed.

(H.R. PANWAR), J.

vij